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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,308	01/05/2005	Dieter Grunau	DE 020171	2517
24737	7590	05/12/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			NGUYEN, KHAI M	
			ART UNIT	PAPER NUMBER
			2819	

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/520,308

Applicant(s)

GRUNAU, DIETER

Examiner

Khai M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/5/05 9/12/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. Initiated copies of the information disclosure statements (IDS) submitted on January 5<sup>th</sup>, 2005 and September 12<sup>th</sup>, 2005 are attached herewith.

### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
4. The application has not been checked to the extent necessary to determine the presence of all possible typographical and grammatical errors. However, Applicant's cooperation is requested in correcting any errors of which he/she may become aware in the application.

### ***Specification***

5. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.

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- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by  
Maehama et al. (US 5,048,070).

Regarding claim 1, Maehama et al. discloses an apparatus (Figs. 1-3 & 5) which comprises two components (1 & 2) which are displaceable (Fig. 1 – longitudinal movement and lateral movement) relative to one another, a position visualization unit (including positions P1, P2... integrated into component 2 of Fig. 2) which is provided on one component (component 2) of the apparatus, or on a part which is connected thereto, an image acquisition unit (position identification sensors 17 of Fig. 1) which is provided on the other component of the apparatus, or to a part which is connected thereto, in order to acquire images of a segment of the position visualization unit which changes due to a relative motion between the components of the apparatus (line 43 of col. 3 to line 13 of col. 4), and an evaluation unit (including elements 21-26 of Fig. 4 – col. 4, lines 14+) for extracting position information from the images.

Regarding claim 2, Maehama et al. discloses the apparatus of claim 1, comprising a reference mark (3 vertical lines as seen in Fig. 1) which is visible in the images and is attached to the image acquisition unit (17).

Regarding claim 3, Maehama et al. discloses the apparatus of claim 1, comprising a position visualization unit which is constructed in the form of a measuring tape (P1, P2... which are integrated into component 2 of the apparatus – col. 3, lines 43-68).

Regarding claim 4, Maehama et al. discloses the apparatus of claim 1, in which a relative motion occurs (longitudinal movement) which extends along a substantially straight line, and which comprises a position visualization unit (of claim 1 above) which is arranged parallel to said straight line (see Figs. 1-2).

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Regarding claim 5, Maehama et al. discloses the apparatus of claim 1, comprising a position visualization unit (including positions P7-P8 of Fig. 2) which is arranged along a circular line (line 38 of Fig. 5), one of the components of the apparatus being journaled so as to be rotatable (roller 37 of Fig. 5 – line 54 of col. 7 to line 23 of col. 8).

Regarding claim 8, Maehama et al. discloses the apparatus of claim 1, comprising a position visualization unit on a tape-like carrier (P1, P2... of Fig. 2 and/or wire 38 of Fig. 5 – wire 38 having calibrated distances SID-1 and SID2 or P7 and P8).

Regarding claim 7, Maehama et al. discloses the apparatus of claim 6, comprising a tape-like carrier (element 38 of Fig. 5 as compared to element 9 of the inventive Fig. 7) which is connected on the one side to the one component (1) of the apparatus (Fig. 5) and on the other side to a roller (37 of Fig. 5) which is mounted on the other component of the apparatus, said carrier being wound onto or unwound from the roller (37) as a result of the relative motion (col. 8, lines 1-23).

Regarding claim 8, Maehama et al. discloses the apparatus of claim 1, comprising illumination means (position identification sensors 17) for illuminating the acquisition zone (the vertical lines as seen in Fig. 1).

Regarding claim 9, Maehama et al. discloses the apparatus of claim 1, comprising an image acquisition unit in the form of a CCD camera (the position identification sensors 17 of Figs. 1-2 act as a positioning camera – col. 3, lines 43-68).

Regarding claim 10, Maehama et al. discloses an X-ray apparatus (title and Figs. 1-3 and 5) which comprises two components (1 and 2) which are displaceable relative to one another (Fig. 1 – the longitudinal movement and lateral movement), a position visualization unit (including P1, P2... of Figs. 1-2) which is provided on one component of the apparatus, or on a part which is connected thereto, an image acquisition unit (sensors 17) which is provided on the second component of the apparatus, or on a part which is connected thereto, in order to acquire images of a segment of the position visualization unit which changes due to the motion, and an evaluation unit (including elements 21-26 of Fig. 4 – col. 4, lines 14+) for extracting position information from the images.

Regarding claim 11, Maehama et al. discloses the X-ray apparatus of claim 10, characterized in that an X-ray source (x-ray tube 9 – col. 3, lines 5-12) is arranged on the one component or the other component of the apparatus.

#### ***Prior Art***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, see the following US Patent Nos.: 4,334,155; 4,916,725; 5,023,899; 3,841,462; 6,634,790; and 4,097,746.

#### ***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571-272-1809. The examiner can normally be reached on 9:00 - 5:30 Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rexford (Rex) Barnie can be reached on 571-272-7492. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khai M. Nguyen  
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571-272-1809